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# TRYALS

At Large of

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John Swan and Elizabeth Jeffryes,

FOR THE

## MURDER

Of the LATE

Mr. *Joseph Jeffryes*, of *Walthamstow*.

AND OF

Henry Simons, a Polish JEW,

On an INDICTMENT

For Assaulting *James Asbley*, of *London*, Merchant, and putting into his Pocket three Pieces of Foreign Gold, called Ducats, with Intent to charge him, the said *James Asbley*, with a Robbery.

BOTH

Try'd at the Lent Assizes at *Chelmsford*, for the County of *Essex*, 1752, before the Hon. Mr. Justice *Wright*, and the Hon. Mr. Justice *Forster*.

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In the TRIAL of *Swan* and *Jeffryes* is inserted, by Way of Note, the Will of the Deceased Mr. *Joseph Jeffryes*.

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L O N D O N :

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( Price Six-pence. )

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## The TRIAL of *John Swan*, and *Elizabeth Jeffryes*, for the Murder of Mr. *Joseph Jeffryes*, at *Walthamstow*, in *Essex*, on the 3d of *July*, 1752, before the Hon. Mr. Justice *Wright*, at *Chelmsford* Assizes.

*Chelmsford, Wednesday, March 11, 1752.*

**Y**ESTERDAY at our Assizes here, a Bill of Indictment was found by the Grand Jury for Petit Treason, against *John Swan*, for the cruel and wicked Murder of his late Master Mr. *Joseph Jeffryes*, of *Walthamstow*, in this County; and against *Elizabeth Jeffryes*, Spinster, Niece of the Deceased, for being aiding, helping, abetting, assisting, comforting and maintaining him the said *John Swan*, to commit the said Murder.

About seven o'Clock this Morning, both Prisoners were put to the Bar, and arraigned on the said Indictment, when an Objection was taken by the Council for the Prisoners to their being tried on the above Indictment, as another Indictment had been found against them at the last Assizes; against *Swan* for the Murder of the said *Joseph Jeffryes*, and *Elizabeth Jeffryes*, as aiding, comforting, &c. the said *Swan* in the said Murder, and to which Indictment they had both pleaded at the last Assizes not Guilty. The Objection was, that if they were tried on the Indictment preferred Yesterday, and were acquitted, they must be a second Time tried on the former Indictment for their Lives, for the same Offence; and after near three Hours Debate by the Council on both Sides, the Court were of Opinion that the Prisoners must be tried on the last Indictment, which was found by the Grand Jury Yesterday.

The Council for the Crown after opening

the Indictment, proceeded to open the Nature of the Murder, for which the two Prisoners were indicted and particularly remarked, that tho' the main Evidence against the Prisoners at the Bar was only circumstantial, yet even that, when laid together, would almost, if not quite, amount to positive Evidence.

That the murdered Person, Mr. *Joseph Jeffryes*, having by Industry in the Discharge of his Business, as a Butcher, acquired a considerable Fortune, chose to leave off Trade, and to spend his Life at *Walthamstow*, and enjoy the Fruits of his Labours, his Niece *Elizabeth Jeffryes*, likewise lived with him. *John Swan*, the other Prisoner at the Bar, had been some Time in his Service; and the Manner of Life that passed between him and Miss *Jeffryes* seem'd by no Means honourable.

That he would enter on the Circumstances previous to the Murder, those that accompanied it, and those that followed afterwards, which he did not doubt would be sufficient to the Jury to find them Guilty.

That the young Woman and the other Prisoner at the Bar, did often converse together in a very improper Manner: That there were great Disorders of Drinking, such as drew on them the Resentment of the Uncle; whereupon he declared to her, *If you don't alter this your Course of Life, and leave these Irregularities, I will alter my Will, and will not leave you a Farthing.* \* Which was the chief Thing that induced them to undertake this horrid Design.

That

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\* Extracted from the Registry of the Prerogative Court of Canterbury.

**I**N the Name of GOD, AMEN. I, *Joseph Jeffryes*, of the Parish of *St. Mary Woolnorth*, *London*, Butcher, being in good Health in Body, and of sound and disposing Mind, Memory and Understanding, Thanks be to Almighty God for the same, do make and ordain this my last Will and Testament in Manner following; that is to say, In the first Place, I commit my Soul to God that gave it, and my Body to the Earth, to be decently buried, according to the Discretion of my Executors herein after named, in the Church-Yard of the Parish Church of *Walthamstow*, in the County of *Essex*, as near to my Wife as possible; and as to such worldly Estate wherewith

it



That their Minds were extremely divided about the Measures to pursue their wicked Design, and how to accomplish it in the properest Manner; sometimes one Scheme was proposed to effect it, at other Times another, until at last they brought themselves to commit this fatal Deed.

That she thought it a proper Way to keep him out late at Night, that so they might effect their wicked Purposes; or to find him intoxicated at a midnight Hour, that so they might accomplish their horrid Designs; and that they would be ready to prove this.

And that, in order more effectually to bring it about, they both applied to one *Thomas Mathews*, who was then employed to help *Swan*, the Prisoner, in the Garden, and whom they thought a very proper Man for performing this Work; and that though he staid but a few Days in his Service, yet it was long enough for them to think him a fit Instrument for their Purpose, as he seemed to be a poor ignorant Fellow.

That the Prisoner at the Bar, *Elizabeth Jeffries* ordered him to go up Stairs in a Room adjoining to the House, in order to clean some Chairs, and a Chest of Drawers; that he ac-

cordingly went there, that she followed him, and after she had been some time there, she began a Discourse with him, asking him what he would do to get one hundred Pounds? that he being tempted by so great a Sum, asked what she required him to do; to which she replied, go down to *John Swan* in the Garden, and he will tell you what to do; that according to the Direction of Miss *Elizabeth Jeffries*, he went down to *Swan*, and told him his Mistress talked of his having a hundred Pounds for something he was to do, and that he wanted to know what it was; that *Swan* smiled, and would not talk with in an open Place, but had him up in a private Place of the Garden, and there told him, what the Affair was, that it was to shoot the old Gentleman his Master. That *Mathews* did not care to engage in the Affair; but that the Prisoner *Jeffries* came to him, and engaged in Discourse with him, and talked with him privately; however, the Affair was not yet determined; that *Mathews* did not continue long in Mr. *Jeffries*'s Service, but afterwards there were several Discourses passed between *Swan* and *Mathews*, in relation to this Affair; that they went to *London* together, and was at Mr. *Gall's* at *White-*

it hath pleased God to bless me withal, I give, devise, bequeath, and dispose thereof as follows: *Item*, I Will that all my just Debts and Funeral Charges be paid and satisfied. *Item*, I give, devise, and bequeath unto my Niece, *Elizabeth Jeffries*, all that my Messuage or Tenement, with the Appurtenances thereunto belonging, situate and being in *Bucklersbury*, held by Lease of the Dean and Chapter of *St. Paul's, London*, to hold to her, her Executors, Administrators and Assigns, for the Remainder of the Term of Years to come and unexpired. I also give and bequeath unto my said Niece, *Elizabeth Jeffries*, the Sum of One Thousand Pounds, of lawful Money of *Great-Britain*. I also give and bequeath unto the said *Elizabeth Jeffries*, all my Household Goods, Implements of Household, Linnen, Woollen, Plate, and China of what Kind or Nature so ever, that I shall be possessed of at the Time of my Decease, as also my Diamond Ring, and my Wife's Gold Watch. *Item*, I give and bequeath the Sum of Five Hundred Pounds unto my Nephew, *Joseph Jeffries*, Son of my Brother, *Francis Jeffries*, to be paid him at his arriving at the Age of Thirty Years, and to be laid out for him in Government Securities. *Item*, I give and bequeath to the eldest Son of my late Brother, *Thomas Jeffries*, the Sum of Fifty Pounds; and to my Sister, *Elizabeth Harding*, the Sum of Twenty Pounds. *Item*, I give and bequeath unto all and every the Children of the said *Elizabeth Harding*, the Sum of Ten Pounds each; and my Will is, that all my said Legacies be paid within three Months next after my Decease. *Item*, All the rest Residue and Remainder of my Estate, and Estates, whether Real, Copyhold, or Personal, of what Nature or Kind soever, and wheresoever lying and being, and not herein before disposed of, I give, devise, and bequeath the same, and every Part thereof, unto my said Niece, *Elizabeth Jeffries*, her Heirs, Executors, Administrators, and Assigns for ever. And I do hereby make, nominate, constitute, and appoint my said Niece, *Elizabeth Jeffries*, sole Executrix of this my last Will and Testament, hereby revoking and making void all former and other Wills by me, at any Time heretofore made: In Witness whereof, I have to two Parts of this my last Will and Testament, both of the same Date and Tenor, set my Hand and Seal, this Thirtieth Day of *October*, in the Year of our Lord One Thousand Seven Hundred and Forty Six, and in the Twentieth Year of the Reign of our Sovereign Lord King *GEORGE* the Second, over *Great Britain*, and so forth. The Mark of *Joseph Jeffries*, signed, sealed, published, and declared, by the said *Joseph Jeffries*, the Testator, as, and for his last Will and Testament, in the Presence of us, who have hereunto subscribed our Names, as Witnesses, in the Presence of the said Testator, *John Strong, George Wilson, Robert Godyere*.

This Will was proved at *London*, the Sixth Day of *July*, 1751. before the Worshipful *Robert Chapman*, Doctor of Laws and Surrogate, by the Oath of *Elizabeth Jeffries*, Spinster, the Niece of the Deceased, and sole Executrix, to whom Administration was granted. being first sworn duly to administer.

*Wm. Legard,*  
*Pet. St. Eloy,*  
*Hen. Stevens.* } Deputy Registers.

*Whitechapel*, where, being in Liquor, *Swan* quarrelled with the People of the House, and challenged to fight the best Man in the House for a Guinea; and that he being discovered to have Pistols about him, alarmed the People of the House; accordingly Mr. Gall applied to the Watch, and had both *Swan* and *Mathews* taken into Custody, and that they were committed to the Cage for the Night, and the next Morning being had before Sir Samuel Gower, they were by him committed to *Bridewell*, where they were confined for some Hours, but got their Liberty by Miss *Jeffryes's* Means the next Day; that she went herself and procured their Discharge, and that at a very improper Time, for she set out from *Walthamstow* at 4 o'Clock in the Morning. That in order to get these Persons released, she owned the Pistols belonged to a Gentleman, and that she sent them to *London* to be repaired for him.

That *Swan* and *Mathews* being released, they parted Company, but *Swan* ordered *Mathews* to meet him and Miss on the Road; accordingly they went to the *Yorkshire Grey*, and then Miss *Jeffryes* went home to *Walthamstow*.

That after this, *Swan* and *Mathews* had several Meetings together, particularly the *Tuesday* before the Murder was committed, at a Publick-House near *Walthamstow* Church, where Miss *Jeffryes* met them; that at this Meeting it was agreed, that *Mathews* should come the next *Tuesday* Night into Mr. *Jeffryes's* Garden, and that *Swan* should let him into the House and *Mathews* was to do the Murder.

That the very Night when this Affair happened, *Mathews* attended at the Garden-Gate, according to the Agreement; this was on the 3d Day of *July* last, and was introduced by *Swan* into the Pantry, and concealed there. That both the Prisoners came there, talked with him, instructed him, and told him it would be the proper Time to make the Attempt when the Uncle was gone to Bed, and fast asleep.

Another particular Circumstance, which will be plainly proved, is, that about Eleven o'Clock the Night preceding the Murder, Miss *Jeffryes* and *Swan* went out into the Garden, and staid some short Time, and when they came in *Swan* went to Bed immediately, without the Consent or Leave of his Master, which he never had done before; and Miss

*Jeffryes* was very pressing afterwards with her Uncle to go to Bed; that about Twelve all the Doors and Windows were made fast, and the whole Family went to Bed, or at least the two Prisoners were supposed by the Maid so to have done. And another Circumstance also very remarkable is, that the Wire of the Bell which was at the Deceased's Bed, and with which he used to ring when he wanted any of the Family, was broke, which must be presumed was done to prevent his making an Alarm.

About One o'Clock in the Morning *Swan* and *Jeffryes* both came to *Mathews* in the Pantry, and told him now was the Time; when *Mathews's* Heart failed him, and would not let him pursue his former Resolution, notwithstanding the pressing Instigation of *Swan*, and such a large Sum of Money offered.

That on *Mathews's* refusing to do the Murder both the Prisoners at the Bar called him Villain and Rascal, to undertake a Thing, and not go thro' it; and that *Swan*, who had a Pistol in his Hand, swore he would blow his Brains out for refusing to do it; and then pull'd out a Book (the Prisoner *Jeffryes* being present) and oblig'd him to take an Oath to keep all Secret that had pass'd between them, which he undertook to do, unless his own Life was in Danger; that the two Prisoners left *Mathews*, and went up Stairs, and in about half an Hour afterwards he heard a Pistol go off; and *Mathews* went out of the House the back Way, and was not apprehended till the 9th of *November*, which was more than four Months afterwards.

Had this Murder been done by Thieves, it might reasonably be imagined the Prisoners would immediately have alarmed the Family; and yet it is very surprizing, that tho' these very Prisoners lay on the same Floor with Mr. *Jeffryes*, and very thin Partitions between their Rooms, they did not raise a Noise and an Outcry, till three Quarters of an Hour after the Report of the Pistol was heard by Persons in the Neighbourhood: That when they made the Alarm, they talked of Men running down Stairs, saying, *Let us fire the House*; and this Outcry was three Quarters of an Hour after the real Time when the Report of the Pistol was heard.

That when the Surgeons were called in, it can be proved, the Murder had been committed long before, the Blood being congealed.

That



That the Murder was done with a Pistol, and the Deceased was shot near the left Side of his Ear, and there was a broken Pistol, and also a Knife found near the Deceased's Bed; and it was actually the very Pistol of the Deceased's, and the Knife was likewise his own.

That if any Rogues had broke into the House to rob it, it is reasonably to be supposed they would have brought their own Arms with them; but for them to use Arms that constantly hung up in the Kitchen, is a Point not reasonably to be supposed, so that it must be done by Persons intimate in the House.

That a Witness, *Sarah Arnold*, would testify she saw *Swan* fit Bullets to the Pistols, and that the Cuttings were observed several Hours on the Hearth, after the Fact was committed.

If these Circumstances should be proved by the Witnesses that will be produced, together with the Evidence of *Mathews*, which must be allowed to be a Kind of positive Proof, they made no Doubt but that the Jury would find the Prisoners both Guilty.

Then they proceeded to call the Witnesses in Support of the Indictment.

### J U R Y M E N.

*Brandiston Weld,*

*Ambrose Boreham,*

*Stephen John Chapman,*

*Daniel Pilon,*

*Thomas Waters,*

*Joseph Hall,* objected to by *Miss Jeffries,*

*Hugh Bentick,*

*Patrick Seaton,*

*George Cape,*

*Thomas Scot,*

*Charles Green,*

*George Bayley,*

*Thomas Seabroke.*

*Edward Buckle*, of *Walthamstow*, was first called and sworn, who said, I live about thirty Yards from the Deceased's House. On the 3d of *July*, I heard an Outcry about a Quarter after Two o'Clock in the Morning. My Wife said to me, that it was *Miss Jeffries's* Tongue. I said, if she wants me, let her call me. She said, here is *Miss Jeffries* in her Shift. I went to her; she was in her Shift without Shoe or Stocking, at a Neighbour's Door, about twenty Yards from the Deceased's House. I went and asked her what she did there in that Manner: She said, *O, they have kill'd him, they have kill'd him, I fear!* I de-

fired her to put something about her: She said, don't mind me, see after my Uncle. *John Swan* unlocked or unbolted the Street Door; he was within Side, I went in, and there the Deceased was lying on his right Side. I saw he had three Wounds on the Left-side of his Head: I took hold of him by the Left-hand, and said, my Name was *Edward Buckle*; if you cannot speak to me, signify to me: He squeezed my Hand with as much force as he could; but he did not speak, and I went out of the Room; about five Hours after this, when *Miss* was about the House crying for the Loss of her Uncle, she said to me, *Mr. Buckle*, will you go and lay Informations about the Country of this unhappy Affair that has befallen my Uncle, and of what Goods are lost, that the Villains may be found out. I said, I will, but that it was not proper for me to go alone. She said, what it costs she would pay.

Q. What Things did she say were lost?

*Buckle*. *Mrs. Martin* mentioned in *Miss Jeffries's* Presence, a Silver Tankard, and Silver Cup, and fifteen Pewter Plates. I said to *Miss Jeffries*, if I should light of *Mathews*, I'll take him up. She replied, *Mr. Buckle*, don't meddle with him, for you'll bring me into Trouble and yourself too, in so doing.

Q. Did you go?

*Buckle*. I did, and another Man along with me, on the same Account.

*Mary* the Wife of *Samuel Adams*, of *Walthamstow*, being sworn, said, I live within twenty Yards of *Mr. Jeffries's*. I heard the Report of a Gun, or a Pistol, about a Quarter after Two o'Clock. About three Quarters of an Hour after, I heard an Outcry of *Fire, Thieves*. I got up and went to the House, and saw the Deceased bloody, but being very big with Child, they would not let me stay in the Room.

Q. Did you see *Miss Jeffries*?

*M. Adams*. I did, in the Yard, with many People about her. She said, she hurt her Ankle by coming out at the Window.

*Thomas Mathews*, the Accomplice, was next sworn, who said, That some Time in *Hay Harvest*, as I was coming over *Epping-Forrest*, in my Way from *Hull*, I saw a Cart stuck fast in the Road. There I first saw the Deceased, who asked me where I came from; I said, from *Hull*, and was in Distress, having no Money: He took me Home with him, and

I worked with *Swan* all the Day. I was to work with him for my *Meat*, and not any *Wages*.

Q. How long did you work for Mr. *Jeffryes*?

*Mathews*. I worked for him nine Days, as nigh as I can guess. I eat and drank in his House. He gave me a Shilling when he turned me away.

Q. What Family were there?

*Mathews*. There were a Maid, *John Swan*, *Eliz. Jeffryes*'s, and a little Child.

Q. What was *John Swan*?

*Mathews*. He was Gardner; when I went from thence, I worked two Days with one Mr. *Hughes*, a Farmer, in *Woodstreet*, about forty or fifty Yards from Mr. *Jeffryes*'s.

Q. Had you any Conversation with Miss *Jeffryes*, while you lived there?

*Mathews*. Yes, about four Days after I had been there, she ordered me to go up Stairs to wipe a Chest of Drawers and a few Chairs that stood in a Back-Room, joining to the House, that he used to let to the People that came from *London*; Miss *Jeffryes* came up just after me, and said to me, what will you do, if a Person would give you a Hundred Pounds? I asked her, what I was to do for it? She asked me again, if I was willing to earn it? I said I would, if it was in an honest Way. She said, Go to *Swan*, and he will tell you. I went to *John Swan* as soon as I came down Stairs; he was in the Garden. I told him Miss *Jeffryes* offered me a Hundred Pounds, and he was to be the Person to tell me how I was to earn it. *Swan* smiled, and took me into an Outhouse there, and told me, if I would take and knock that old Miser his Master on the Head, he would give me 700*l*. Miss was standing in the Garden behind us, and when *Swan* had done speaking, said, I shall never have a Minute's Sleep, so long as that old Miser, my Uncle, is alive.

Q. Did she promise any Thing to you, at that Time?

*Mathews*. No, she did not. When I had been discharged from Mr. *Hughes*'s about two Days, *Swan* gave me Half a Guinea to buy a Case of Pistols, on Purpose to meet Mr. *Jeffryes* as he came back from *Chelsea*.

Q. Where was this?

*Mathews*. This was at the Back of the Garden. I went to *Low-layton*, and there spent the Money, at the *Green-man*. *Swan* had Pistols before, which he shewed me eight or nine Times. After this, I went for *London*; *Swan*

overtook me, and said, d——n your Blood, where are you going? said I, to *London*, he asked me to drink, and gave me Three-pence. We went in at the *Green-man* and Bell, the House of Mr. *Gall* in *Whitechapel*. We got there about Six in the Evening; we had some Beer, and stayed till Eleven at Night; about which Time *Swan* got up from the Table, and challenged the best Man there to fight for a Guinea. I being in Liqueur, stripped as well as he; *Swan* threw his Coat on the Fire, which Mr. *Gall* took off lest it should be burnt, and finding the Pockets heavy, felt in them, and found two Pistols; Mr. *Gall* then charged the Watch with us, and we were put into the Cage for that Night. While we were in the Cage, *Swan* pulled out some Rings, in a Case, but what Quantity I cannot say; he told me, he was going to pawn them to get Money, and that they were Miss *Jeffryes*'s. We staid there all Night. Next Morning we went before Sir *Samuel Gower*, who committed us to *Clerkenwell* Bridewell. We staid there about twenty-four Hours; then Miss *Jeffryes* came and released us. After that, we went to *Gall*'s House. Miss *Jeffryes* asked me, what I meant by bringing her Man into a Scrape? I said, he brought himself into it. She bid *Swan* give me a Shilling, and to tell me to meet them at the *Yorkshire Grey*, a Publick-House in *Stratford*.

Q. Did you hear her tell him so?

*Mathews*. I did: I went there, *John Swan*, she, and *Tom Smith*, went there in a Coach. I walked it thither. When I came there, I found them all three together in a Parlour. *John Swan* gave me Half a Crown, and bid me meet him next Day at the *Buck* upon the Forrest, about Six in the Morning: I went, and he came about Seven.

Q. What became of Miss *Jeffryes*?

*Mathews*. She went Home that same Night. *Smith* was to go to Mr. *Jeffryes*'s House that Night, to know if Miss had made up the Difference between *Swan* and his Master, so that *Swan* might come Home again. I went to shew *Smith* the Way; after which *Smith* and I came back again; then *Swan* and *Smith* went to *Walthamstow*. *Smith* told *Swan*, that Miss had made it up with her Uncle, and he might come Home to his Service again. So he went Home, and *Smith* went with him.

Q. Did you go with them?

*Mathews*. No, I did not: I stayed at *Low-layton*, till the next Morning, then they returned



turned again ; then *Swan* told me his Master had sent him to *London* for some Trees ; he bid me meet him the next Day, which was *Sunday*, on *Epping Forest* ; but *Swan* did not come, he met me near the *Buck*, about Six in the Afternoon.

Q. What passed between you then ?

*Mathews*. Nothing concerning this Matter. *Swan* went Home to his Master's, and I went to *Low-layton*.

Q. When did you see *Swan* again ?

*Mathews*. I saw him again on the *Monday*, about Two in the Afternoon ; nothing then passed on this Affair. We stayed together about two Hours, I then went to *Epping*, which is 14 or 15 Miles from *Walthamstow*, and stayed there four Days. I came back again on the *Saturday*, and saw *Swan* on the *Monday* Morning, about five Yards distance from the Sign of the *Buck* in *Walthamstow*, about six o'Clock. Then he bid me meet him beyond *Walthamstow* Church, on the *Tuesday* about Two o'Clock in the Afternoon. I went according to his Appointment, and *Swan* and Miss *Jeffries* came together. There he told me I was to come on the *Tuesday* following, to the Backside of *Mr. Jeffries's* Garden, about Ten at Night, and he would give me some Money ; and he was to leave the Door open for me to come in.

Q. Was Miss by at the Hearing of this ?

*Mathews*. Yes, she was ; and heard every Thing, but said nothing herself.

Q. What was he to give you Money for ?

*Mathews*. He said he would give me some Money to knock the old Miser, his Master, on the Head. I went, the Garden was not open ; I stayed there some Time, but I found by trying, it was only on the Latch. I went in, and from thence into the Pantry, and stood behind a Tub till *Swan* came to me, which was about eleven o'Clock, and gave me some Victuals.

Q. What Victuals did he give you ?

*Mathews*. It was cold boil'd Beef ; and *Swan* and *Jeffries* came to me in the Pantry about Twelve. Then *Swan* said, now is the Time to knock the old Miser, my Master, on the Head. No, I said ; I could not find in my Heart to do it. Then the Prisoner *Jeffries* d—d me for a Villain, because I would not perform according to my Promise. *Swan* had two Pistols, one loaded with Slugs, and the other a Ball ; he d—d me, and said, he had

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a great mind to blow my Brains out, because I would not do it. Then he pulled out a Book and made me swear I would not discover what was passed, if I did, he would blow my Brains out ; so I swore I would not, except I was in Danger of my Life. Then they both went together up Stairs, and I heard a Pistol go off about half an Hour afterwards ; then I made what Hasten I could out of the House the back Way, and so off to the Ferry, and afterwards to *Enfield Chase*.

Q. Did you promise to commit this Murder ?

*Mathews*. I did, near *Walthamstow* Church, when we were both there ; and *Swan* told me when we were going to *London* on the *Thursday*, if I would not do it, by G—d he must, or somebody else should, for Miss *Jeffries* was with Child, and if the old Miser, her Uncle, came to know it, she would be cut off from his Estate, and turned out of Doors.

#### Cross Examination.

Q. When *Gall* came to apprehend you, what did you tell him your Name was ?

*Mathews*. I told him my Name was *Smith*.

Q. Had you been acquainted with Miss *Jeffries* when she sent you up to dust the Drawers ?

*Mathews*. I had not spoke to her before.

Q. What Sort of a Room was that ?

*Mathews*. It was up one Pair of Stairs.

Q. Was is Part of the House of *Jeffries* ?

*Mathews*. It was.

Q. Is there a House in the Garden ?

*Mathews*. There is, it is a Place were they put old Tubs and Lumber in.

Q. Did not you at one Time say, you was hid under a Vessel in the Pantry ?

*Mathews*. I did say so.

Q. Did not you say, you was out of the Kingdom at the Time of the Murder ?

*Mathews*. Yes, I did.

*Thomas Forbes*, Apothecary at *Woodford*, was called and sworn.

*Forbes*. Between 3 or 4 on the *Wednesday* Morning I was called by *Swan*, the Prisoner, who came and told me, that a sad Accident had happened to *Mr. Jeffries* ; I went immediately and found the Blood about the Room congealed ; then I examined the Wounds, and found two given by a Gun or Pistol, on the Left Side of his Face, and a Stab near his Ear ; I prob'd them, and found that under the Ear 4 Inches deep.

Q. Did you think any of them were mortal?

*Forbes.* I looked upon them all to be mortal. There was a Knife lay upon the Table or Escrutore in the same Room.

Q. Did you observe *Swan's* Linnen?

*Forbes.* I observed he had a clean Shirt on. I saw no Blood upon it.

*Sarah Arnold*, Servant-Maid to the Deceased, was next called and sworn, who said, I was Servant in this Family at the Time of this Murder was committed.

Q. Was you Servant to Mr. *Jeffries*?

*Arnold.* Yes.

Q. How long did you live there?

*Arnold.* About Four Years.

Q. Was *John Swan* there?

*Arnold.* Yes.

Q. What Capacity was he in?

*Arnold.* To do every Thing my Master had for him to do.

Q. Was he Servant there when the Murder was committed?

*Arnold.* Yes.

Q. Who was with your Master the Day before?

*Arnold.* Mr. *Clifton*, his Wife, and Mrs. *Martin*, and her Children; they dined there, and went to the *Royal Oak* to drink Tea in the Afternoon, and came back all of them about Supper-time; some went away, but Mrs. *Clifton*, and Mrs. *Martin* stayed till near 12 o'Clock.

Q. When they went out did you take particular Care of the Doors of the House?

*Arnold.* Before they came Home we fastened the Outer Door, and the Door of the Garden.

Q. Did you remember *Swan's* going out with Miss *Jeffries*?

*Arnold.* Yes: About 11 o'Clock they went into the Garden, and returned in about a Quarter of an Hour; *Swan* came in first, and went directly to Bed, without asking Leave, which was what he never used to do: Miss came in presently after, and Mr. *Clifton* and Mrs. *Martin* were gone before 12, when we all went to Bed.

Q. Was not *Swan* quite drunk at that Time?

*Arnold.* Pretty much in Liquor.

Q. Was Miss *Jeffries* particularly pressing that Night for her Uncle to go to Bed, and the Company to go away?

*Arnold.* Yes.

Q. In what way did she express it? did she press Mrs. *Martin* in particular?

*Arnold.* I did not take Notice of it till afterwards.

Q. Did your Master go to Bed before or after Miss *Jeffries*?

*Arnold.* We all went up together.

Q. Before you went up to Bed, did you fasten the Doors?

*Arnold.* Yes, my Lord.

Q. Did your Master order you?

*Arnold.* Yes.

Q. What had you in the House at that Time?

*Arnold.* Boiled Beef.

Q. Where did Miss *Jeffries* lay?

*Arnold.* Next Room to her Uncle.

Q. What Kind of Partition or Wainscot was it?

*Arnold.* A very thin One, and a Hole in it.

Q. Where did *Swan* lay?

*Arnold.* *Swan* lay on the same Floor as my Master and Miss did; and I in the Garret.

Q. Did you hear any Thing of the Pistol?

*Arnold.* No.

Q. When was the first Alarm?

*Arnold.* It was about 3 o'Clock, when I looked out of my Window, and saw Miss *Jeffries* in the Yard in her Shift, and *Swan* told me my Master was murdered he feared, and desired me to go and see him, which I did, and found him wounded, and the Blood congealed. I saw a Knife, and some Bits of Wood in the Room, but the Knife was not bloody. After this I ran out of Doors, and alarmed the Neighbours.

Q. Where did your Master keep his Pistols?

*Arnold.* In the Kitchen, there used to hang a Pair of Pistols, but after the Murder I could find but one of them, but saw some Chippings of Lead on the Floor in the Kitchen, as if cut off the Bullets; that I remember I saw *Swan* fitting to the Pistols.

Q. Did you ever observe any Thing particular in the Behaviour of Miss *Jeffries* towards *Swan*, and what have you heard your Master say to it?

*Arnold.* Miss used to go frequently into the Garden, and my Master was displeased at it, and threatened to alter his Will, and cut her off, if she did not alter her Conduct.

*William Gallant*, a Barber at Walthamstow, was called and sworn.

Q. Did you know Mr. *Jeffries* of Walthamstow?

*Gallant.* Yes, very well, he was my very good Friend.

Q. to *Gallant.* What Time did you see *Swan* and Miss *Jeffries* before Mr. *Jeffries* was murder'd?

*Gallant.* The Week before Mr. *Jeffries* was murdered, *John Swan* came to my Shop, and told me, Miss *Jeffries* wanted to speak with me, and that I must go to the Yard-gate, and she would come to me. Accordingly I went, and in a little Time she came to me; (this was on Tuesday the 25th of June) and told me she had recommended me to make a Lady's Tete, and desired that I would get her Uncle as far as *Buckit's Hill*, about four Miles off, and to keep him out till it was pretty late at Night, and make him pretty much in Liquor, and if I spent Half a Crown or a Crown in so doing, she would give me as much for myself; my Answer was, that I did not think my Business would admit of it at that Time: She then catch'd me by the Wrist, and said, dear *Gallant*, do it this Week; if not this Week,



Week, it must be done the next. She then told me, she should have Money very shortly, and if I wanted any, I should have two or three Guineas, and she should not be in a Hurry for it. I then asked her, if there was any thing more than ordinary in the Case: She said, yes; that she wanted to spend a Day abroad, and when her Uncle came home so, (meaning in Liquor) he did not enquire after her. A few Days after this the Murder was committed: I went to the House and said, Where is that Villain Matthews, and told Swan, my Heart misgave me about him. Swan said, "Oh! my Lad, he is as innocent as a Lamb. And the same Morning I saw the Prisoner Jeffries bounce herself down into a Chair in the Kitchen, and said, Oh! I shall die a worse Death than my Uncle.

*James Thornton*, Surgeon of Walthamstow, was next called and sworn.

Q. Did you see Mr. Jeffries after he was murdered?

Thornton. Yes; about Three o'Clock.

Q. Are you a Surgeon?

Thornton. Yes.

Q. What did you find when you saw him, and how long did you think it might happen before you saw him?

Thornton. I apprehend it might be about an Hour; the Blood was congealed, and lost out of those small Arteries where the Wounds were given.

Q. How far did you live from the Deceased's House?

Thornton. About a Furlong.

Q. Had you any Conversation with Miss Jeffries at that Time?

Thornton. I asked her how it came to pass? She answered, she was in a great Fright, and heard four Fellows running down Stairs, cursing and swearing; and one of them said, D—n it, now we have done all the Mischief we can, let us set the House on Fire. She said farther, she jump'd out of Bed, and out of the Window. I asked her, who was the first that came to her Assistance? She said, Mrs. Diaper. I asked her, who was the next Person that came to her Assistance? She said, Our Fellow.

Q. Were the Wounds you saw on the Side of his Head mortal?

Thornton. I believe all of them were mortal. *William Gowler* was next called and sworn.

Q. Where do you live?

Gaulat. At Walthamstow. I have lived there about a Year and a Half; my Father is Joseph Schooling. About a Month before this Affair happened, Miss Jeffries came to Joseph Schooling, in Marsh-street, and said, she wanted a Coach for the Day; I carried her, and set her down near Whitechapel-Church. She then went to the Green-man and Bell, and ordered me to take her up at Sir Samuel Gower's at One o'Clock; which I did, and then carried her to Lombard-Street, and from thence to the Green-Man and Bell in Whitechapel, thence to the Yorkshire-Grey at Stratford, and from thence home to Walthamstow.

*John Gall* being sworn, said, that he kept the Green Man and Bell in Whitechapel, near the Church; that on the 19<sup>th</sup> Day of June, sometime before the Death of Mr. Jeffries, the Prisoner *Swan* came to his House, and called for some Bumbo, and that about 10 o'Clock at Night there was a Noise in his Tap-Room; that he this Witness, went in, and there saw *Thomas Mathews*, when he this Witness, asked what Business that ragged Fellow, meaning *Mathews*, had there, and was going to turn him out of the House, as thinking he was the Occasion of the Quarrelling in the Kitchen, when *Swan*, who was in another Room, said, D—n me if you use my Friend ill I'll fight you, and after that, pull'd off his Coat, and threw it on the Grate; that then he, this Witness, fearing the Coat might be burnt caught it off the Grate, and finding the Pockets so full heavy, felt in them and found 2 Pistols; that then this Witness fearing *Swan* and *Mathews* were Robbers, got Assistance and secured them in the Cage for that Night, and the next Day carried them before Sir Samuel Gower, who committed them to *Clerkenwell Bridwell* \* but at the same time, recommended it to him this Witness to send to *Walthamstow* to know whether *Swan* belonged to Mr. Jeffries or not, and in the mean time to keep them

in

\* To the Governor of the House of Correction at Clerkenwell, or his Deputy.

*Middlesex*, } Receive into your Custody the Bodies of John Swan and Thomas Mathews herewith sent to wit, } you, brought before me by Mr. Waldeck, Headborough, of Whitechapel, and charged upon the Oath of John Gall, for breeding and creating a great Disturbance in his House last Night, assaulting him therein, and greatly terrifying him and his Family; and on Suspicion of being concerned in several Robberies, a Brace of Pistols, a Powder-horn with Gunpowder therein, and a Shagreen Case with a Pair of rich Ear-rings therein, being found upon Swan; and for further Examination them safely keep in your said Custody, until they shall be discharged by due Course of Law. Given under my Hand and Seal this 20<sup>th</sup> Day of June, 1751.

SAMUEL GOWER.

in his House ; that he this Witness went himself to *Walthamstow*, and saw Miss Jeffryes, the Prisoner at the Bar, and told her what had happened when she promised that either her Uncle or Self would come the next Morning. That the next Morning Miss came to him about Six o'Clock, which was the 20th, and then went before Sir Samuel Gower, where she owned the Pistols as belonging to a Gentleman that had been a Journey with her, and had left them in her Care to get cleaned, for which Purpose she had sent them to Town by Swan, who was her Uncle's Man, and that the Ear-rings were to be carried to one *Bently*, as a Security for some Money she had borrowed ; that then Sir Samuel sent for Swan and Mathews from Bridewell and discharged them, Miss promising him, this Witness, to pay all the Expences ; and that after the Discharge of Swan and Mathews, they, with Miss Jeffryes, and one Thomas Smith, came to this Witness's House and dined there.

He further said, That after the Death of Mr. Jeffryes, hearing that Mathews was suspected, he resolved to apprehend him if he could find him ; that on the 9th of Nov. last, Thomas Smith came to him and informed him, this Witness, that he, Smith, had seen Mathews come out of the India-House ; that then he, this Witness, went thither, and made what Enquiry he could, and by describing him to Mr. Crab, he promised if he came to detain him ; that he was afterwards informed, that he, Mathews, was gone to a House in *Abel's-Buildings*, near *Rosemary-Lane*, and that he had entered himself in the India Company's Service ; at this House he apprehended him, but that at that Time he denied his Name to be Mathews, and said it was Thomas Smith ; that then this Witness carried him to the *Three Tuns* in *Lombard-Street*, and there he confessed his Name was Mathews, and knew who did the Murder, but did not do it himself ; that then he carried him before Sir Samuel Gower, who, after taking his Examination, committed him to *Clerkenwell Bridewell* for further Examination ; that this Witness asked Mathews where he had been since Mr. Jeffryes's Death ; that Mathews said he had been at Sea in the *Earnest Industry*, and was cast away on the Capes of *Virginia*, and was taken up by Capt. Wolf, in the *Dolphin* ; that he, this Witness, had made Enquiry, and found no such Ship had been in the River for twelve Months before.

On his Cross Examination he was asked how many Examinations he was at ?

Gall. I think I was at two Examinations.

Q. Was not Mathews found in two or three Stories when before Sir Samuel Gower ?

Gall. Yes, he was.

Thomas Smith, a Shoemaker in Whitechapel, was called and sworn, who said, that on the 21st of June last he was with Miss Jeffryes, Swan and Mathews

at the Green Man and Bell in Whitechapel, where he was told Miss wanted some Flower Roots ; that from thence he went with her and Swan in a Coach to the White-Horse at Stratford, where Swan and Mathews had some talk together, and Miss Jeffryes went home. He then went on to shew the several Places, that he, Mathews and Swan had drank at ; and at last, gave an Account that Swan sent him to Miss Jeffryes to know if she had persuaded her Uncle to receive him again into his Service after his being released from Bridewell, but he knew nothing of what Nature the Conferences were between Swan and Mathews.

Ann Wright, at the White-Horse, Stratford-Bridge, was sworn, who said, that she keeps the Yorkshire-Grey at Stratford, and one Day in June last, but which she could not remember, Miss Jeffryes and two Men came in a Coach to her House, and they, with another Man that was there, went into a Room and called for some Wine. Miss Jeffryes fell a crying and said she had been fetching Swan out of Bridewell, and fetching a Sigh, said, *she feared she should be damned.*

Q. Did you see Swan at your House about the Time Mr. Jeffryes was murdered ?

Wright. Yes, he came and told me his Master was shot with his own Pistol, and that he was going to London for a Surgeon, and desired me to get him a Coach ; he seemed very much concerned and fluttered in his Spirits, and when he returned from London, he was very drunk at the Bottom of the Coach.

John Mills, at the Why not beat Dragon at Mile End, being sworn, said, that about 4 in the Morning a Man came to my House, and said there was a sad Murder committed at Walthamstow. About 6 o'clock Swan came in the Stratford Coach, and called at my door for a Gill of Rum. I said, what a sad Murder has been committed ? Swan asked me, What Murder ? I answered, at Walthamstow. Then Swan said, he lived with the Gentleman. I said, I heard the Maid had jumped out of the Window. He said, No ; but the Niece had jumped out of a Window 3 stories High. I saw him again three Hours after in his return quite drunk and stupid in the Coach.

Samuel Adams, of Walthamstow, being sworn, said that he heard Miss Jeffryes cry out, *Fire ! Thieves !* and *Murder !* that he went to her Assistance ; she was at a Chamber-Window, and cried out, Get a Ladder, for there were Rogues and Thieves. At that Time he had nothing to defend him, so went to get his Bill ; as he was returning to his House, he saw John Swan open the Door in his Shirt.

Q. What, the Door of the House ?

Adams. Yes, the Street Door.

Q. Was



Q. Was this on the same Side of the House where you saw Miss Jeffries?

Adams. Yes, but her Window was not over the Door.

On his Cross Examination he was ask'd if he did not mistake the Maid for the Mistress, he reply'd no, for the Maid came down afterwards.

Mr. Hillier, a Farmer at Walthamstow was next call'd and sworn, who said that he went about 7 o'Clock in the Morning the Murder was committed; and being asked what Situation he found Things in, he reply'd, when I came into the Street in the Morning, I was met by Mrs. Conder, who told me Mr. Jeffries was Murdered. By what they farther said, I found it was owing to an Alteration which he was about to make in his Will.

Q. Did you see a Bar that belonged to the Window over the Door?

Hyllier. Yes; an Iron Bar standing by the Side of the Door, that belonged to the Window, and the Lead was regularly untwisted on the Inside of the Window, as if a Glazier had done it. From thence I apprehended, that some of the Family had done the Murder. We got of Swan two or three Rakes to search the Ponds for the Things which they said were stolen; there came likewise three other Men, who each of them took an Instrument and said to Swan, look about again, these Things can never be carried off. A little after this the Men hollowed out, pulling a Sack out of the Pond, with Pewter, Brasses, a Silver Tankard, some Spoons, and other Things.

Q. When you was going before the Justice, was Mrs. Martin with you, and what Conversation passed?

Hyllier. Yes; Miss Jeffries said, as I was a Gentleman she hoped I would not suffer her to be used ill. She then called me to be a Witness that she had given to Mrs. Martin Bank-Notes to the Value of 500l. and a 500l. Bond; and as she was going to get into the Coach she pulled out a Bank-Bill of 100 l. out of her Bosom, and gave it to Mrs. Martin to let her know, and that all the World might know, that Mr. Jeffries did not lose his Life for the sake of wronging Mrs. Martin's Children; which 100 l. was to be equally divided amongst the Children.

Elizabeth Gallant, Wife of William Gallant, a former Witness, was next sworn.

Q. How long was it before you came to the House after the Murder of Mr. Jeffries?

Gallant. I went immediately as soon as I had dressed myself.

Q. Do you remember you saw Miss Jeffries give any particular Directions about a Box of Writings?

Gallant. About an Hour and a half after I came she called to Mrs. Butler to take the Box of Writ-

ings out of her Uncle's Room, and to carry them into her's, and to lock the Door, and bring her the Key?

Q. Did she do so?

Gallant. Yes, she did.

Richard Clark, of Walthamstow, was next sworn.

Q. Was you at Mr. Jeffries's House the Morning the Murder was committed?

Clark. I was. I heard an Outcry of Murder, Fire, and Thieves. I live about 16 Yards from his House; as I went into the Court, I saw Swan; there he made a full stop before me, I asked which Way they got in? Swan said, that he thought they got in at the Window backward, and out of the Door; he went as far as the Door with us, to shew us the Window, and I examined the Window and Door, after I came back; I looked about the Yard, and round the Premises, and though it was a dewy Morning, yet I saw no Dew beat off.

Q. Had you ever any Conversation with Swan?

Clark. Miss Jeffries desired me to go with Swan, to fetch a Horse that was at Grass in the Marshes, being a hot Day, we went in to drink; coming by Lord Castlemain's, he asked if I was a Man sufficient to shoot any thing? I told him, I never was a Sportsman, but if I could, he could get me fifty Pounds, and a good Horse to ride on.

Q. Had you been talking about shooting before?

Clark. No, never in our Lives.

John Ball, a Butcher of Walthamstow, being sworn, said, That on the Morning the Murder was committed, he met Mr. Robert Clifton, and told him, Mr. Jeffries was shot; whereupon they went to Mr. Jeffries, and Mr. Clifton then took hold of his Hand, and said, "if you know who did this, hold up your Hand, or else let it lie still;" upon that, he let the Handkerchief which he held in his Hand to wipe the Blood off his Face, drop on the Bed, and held up his Left-hand. This was between Three and Four o'Clock in the Morning, and to the best of my Knowledge, Mrs. Martin stood on the other Side the Bed.

Here the King's Council rested the Proofs for the Crown; and the Prisoners being called upon to make their Defence. Swan said, that he had nothing to say, but left it to his Council. And Jeffries said she had nothing more to say, than that she should call Witnesses to prove most of those that had been produced for the King, perjur'd; and left the rest to her Council.

Then Elizabeth Diaper was called and sworn, who said she lived within a few Yards of the Deceased, and well remembered when he was murdered; that between Two and Three o'Clock in the Morning, she heard a Voice calling out, Diaper, Diaper; on which she then jump'd out of Bed, opened the Window, and saw Miss Jeffries, and

D

heard

heard her calling out, *There are Rogues in the House.* This Witness was undress'd, and in her Shift; she put on her Gown, and said, I am coming as fast as I can. They were still crying out *Fire and Thieves*; and that the Maid was at the Window at the same Time.

This Witness fainted in the Court, and was obliged to be carried out, and her Husband, John Diaper, was sworn next.

John Diaper was called and sworn, who said, I live about fifteen Yards from the late Mr. Jeffreys's House at Walthamstow. The Morning Mr. Jeffreys was murdered, between Two and Three o'Clock, I heard Miss Jeffreys cry out, *Diaper! Diaper! for God's Sake help! Murder! Fire! Thieves!* I got out to the Window, and saw Miss half Way out of her Window, endeavouring to get down. I dressed myself as fast as I could, and ran to her Assistance: When I got down Stairs I saw a Woman with a Hand-Bill in her Hand; I went and got the Bill, and went on to Mr. Jeffreys's House, and in my Way I turned back, and saw Miss standing at my Door. Just before I came to Mr. Jeffreys's Door, Swan had opened it in his Shirt, and one Clark entered the House before me; I went in, and, with Clark, searched the House all over to the Garden, and Places adjacent, but could not find any Marks of any Person that had gone from the House, the Dew being on the Grass. I observed Swan seemed very much affrighted, and said, *He wished he had died with his Master, for that he would have lost his own Life to have saved his Master's.*

Mrs. Diaper having recovered herself, was again brought into Court, and deposed, that she saw Miss Jeffreys in her Shift, and Mrs. Buckle by her; and that this Deponent said to Miss, Lord, Miss how did you get out? and she said, out of the Window.

For God's Sake, said Miss, see where my Uncle is, and Joe Martin. John Swan came out undress'd. Miss was at her Door, and her Shift had no Blood upon it, nor Marks, nor Stains. It was foul, and she might have wore it two or three Days.

*Miss Jeffreys fainted away at this Time, and continued in Convulsions for near a Quarter of an Hour.*

This Deponent farther said, that the Maid opened her Master's Window, and cried out, *Thieves, Rogues; the Rogues have opened my Master's Door, and cut my Master's Throat from Ear to Ear.* As soon as I came to the Door I desired the Maid to go and get the Child down; which she did, and left it at Mrs. Martin's Door; when I came into Mr. Jeffreys's Room, I found him murdered, and the Blood ran across his Throat. I generally nursed him in his Illness, and observed Miss very kind to him: And I have known that John Swan has fetched Mr. Jeffreys home often from Chelsea, the Forest, and elsewhere at all Hours.

Being cross examined, she said, the Window was directly over the Door, and had a Casement; that it is a Window a Person could get out of, and that Miss had got out of the Window many a Time to get Jessamy; that she saw the Wounds bleeding, and the Blood was warm, and that there were Marks of Blood on the Banisters on the Right Hand Side going down; that she saw them all strip to their Shirts and Shifts and not a Spot of Blood upon them.

William Davis was next called and sworn, who said, I live near Mr. Jeffreys, and heard Miss crying out, for God's Sake bring a Ladder; and when the Door was opened she said, *Go and see for my Uncle, for I believe the Rogues have killed him.* I went up Stairs, saw Mr. Jeffreys lying in his Bed; he blow'd his Nose with his Handkerchief. I observed some Blood on the Banisters, and on the Stairs; when I came down Stairs, she ordered us to go and search all about for the Rogues, if fifty of us went, she would pay us. She seemed to be a little frightened. John Swan was very ready to assist us with Rakes to search in the Pond.

Mary Buckle being sworn, said, I live in the Court where Mr. Jeffreys did. Wednesday Morning between Two and Three o'Clock, I heard a Calling out, *Rogues, I am afraid the House is on Fire.* When I came into the Court, Miss Jeffreys was falling from the Window. I asked the Reason of it. She said she was in a Dream when she heard the Out cry in the House. She said, don't mind me, go seek after my Uncle; she was in a real Fright and Concern; her Shift was not clean, and no Blood upon it; that Miss said, she heard some Men run down Stairs, and that they said, Damnation to the old Rogue, they had done all the Mischief they could, and now they would go down and set the House on Fire, which forced her out of the Window.

Catherine Griffiths was next sworn, who said. I lived at Walthamstow, about three or four Rood from Mr. Jeffreys's House, my Window opens into the Yard. I remember the Time he was murdered, I heard Miss Jeffreys cry Fire, Thieves, and Murder. I was in my Chamber, and knew her Voice very well, I got up, and went down into the Yard; there she stood in her Shift at Mr. Diaper's Door. She said, Lord have Mercy upon me, I am afraid my Uncle is murdered, and met the Maid with a Child in her Arms; she said, her Master's Throat was cut from Ear to Ear: Miss Jeffreys took on, and cried much. We went up Stairs, and found him in his Gore. We lifted him up, and bolster'd him up right.

Q Was Miss Jeffreys in the Room during this Time?

Griffiths. She was; but she gave such Shrieks we turned her down again, fearing it should disturb him. She kneeled down on the Floor when she

was



was there, and said, *Dear Uncle, if you can speak, speak to me.* This was after he was set upright in his Bed. Then she said, *If you cannot speak, hold up your Hand, or make some Motions.* He did not. He squeez'd her by the Hand, when she asked him if he knew her? From which we took him to be sensible.

Q. Was Mr. M'Coone in the Room, when she was there?

Griffiths. He was; he got Mr. Jeffries by the Hand, and asked him if he knew him? Mr. Jeffries squeez'd his Hand also; he said something to him about holding up his Hand; it was, I think, to hold it up if he knew who murdered him; but he did not hold up his Hand, (*She is shew'd some Splinters of the Pistol.*) These are the same which I had a Hand in picking up. He lived till about Eight at Night, and died. I was with him when he died.

*Cross-examined.*

Q. What Time of the Day was it, that Mr. M'Coone was there?

Griffiths. He was there when Miss was there.

Q. Did you see the Deceased wipe his Nose and Face with a Handkerchief?

Griffiths. I did; I was in the Room from first to last.

Q. Was you never out of the Room in the Time?

Griffiths. No, I was not, but once.

Q. Did you see Mr. Ball there?

Griffiths. I did.

Q. Do you remember his asking him some Questions, about holding up his Hand?

Griffiths. I do not; I know he did not hold up his Hand to any Body; several People asked him Questions, but he did not hold up his Hand at all. I had him by the Hand, and he squeez'd my Hand a great many Times, when I asked him if he knew me, but he never opened his Eyes.

Robert Clifton was next sworn, who said. I have known Mr. Jeffries many Years, was his Apothecary, and was with him the Day before he was murdered until the Evening. John Swan came to me about Ten in the Morning, desired me to make all the Haste I could, for he feared his Master was murdered; and Miss Jeffries asked if any Help could be had in London, if there was, she desired he might have it; that a Surgeon that was there imagined he might be dead before any Help could come. I really believe the Hand that discharged the Pistol must be wounded by the bursting of it, and John Swan was not wounded, and therefore I think he did not discharge the Pistol. — I have taken Mr. Jeffries out at the Request of Miss, which was, that she might receive a Visit, or go and see a Friend.

Pris. Council. Did Miss Jeffries shew any Concern at the Loss of her Uncle, as you observed?

Clifton. Yes, and I do believe she was really affected, by the Effects it had upon her.

Being cross examined, he said, if John Swan was inclined to do his Master a Mischief, he had many better Opportunities, as there was many a dark Night when he came home with him; that his Horse once went into a Pond, and he fell over his Horse's Neck, and Swan saved him, and he always express a Satisfaction in Swan who saved him. That Miss behaved always very dutifully, and that he thought she had no Hand in the Murder.

*The Prisoners Council.* Mr. Clifton, Is it your Opinion, or is it possible for a Man to shoot of that Pistol found shattered in the Deceased's Room and not be wounded.

Clifton. To me it is morally impossible that he should escape being wounded.

The Council for the Crown then observ'd. That the Pistol being a long one, which appeared from the Length of the Rammer, which was produced, as also the shattered Remains of the Pistol, and that Part where the Lock was fixed was entire, that consequently the Hand that discharged it might not be hurt. That at the Time he came to see Mr. Jeffries, he told Mr. Forbes, That it was done by some of the Family. To which Mr. Clifton now replied, that he might say so thro' surprize, but that he had no suspicion of any Person in the House at that Time.

Court. Was you not with Miss Jeffries this Morning before six, and did you not receive a Sum of Money of her?

Clifton. I never received any Money from her.

Court. Was there not either Twenty Pounds or Twenty Guineas, that you received of her this Morning, or the last Night?

Clifton. My Son told me he had a Twenty Pound Note, in Part for Goods delivered to her. I never applied to her for this Money. And nothing past directly or indirectly, was that I would not come to Court, unless the Money was paid.

Anne Clifton, Wife of the last Witness, was next called, and sworn, who said. I went into Mr. Jeffries's back Gates, about Four o'Clock, and saw Miss Jeffries in the Garden, and I went into the House, and saw Mrs. Martin, who said she had lost the best Friend in the World; and I said, I thought so too. That that Day Mr. Jeffries intended to alter his Will, and to have provided for her Family, for she was his Daughter in Law.

Francis Gasbold was next sworn, who said. I was well acquainted with the Deceased, and have often, at Miss Jeffries's Request, taken him abroad, that so she might go to the Boarding-School, or take a Walk, or entertain a Visitor.

William Fellows and Nathaniel Lidyard deposed much to the same Particulars.

Sir

Sir Samuel Gower was then sworn, who said Mathews was brought before me, and was examined, and I committed him to Bridewell, on Suspicion of being concerned in some Robbery. He was examined four or five Times before me, and Mr. Bateman, and Mr. Quarrel. He gave different Accounts on his Examinations. I told him I could not put Confidence in his Evidence, he prevaricated so much. I did suffer him to sign one or two of his Examinations. And when he said any Thing of the Fact of murdering Mr. Jeffries, he always said, he was hired to do it, and was offered Money. I asked him, why he did not make this Discovery sooner, and then he might have appeared like an honest Man, and saved his Master's Life; and he told me, he could not tell how to go about it. He was brought before me by Mr. Gall, and I looked on him as a Criminal.

Justice Quarrel being sworn, said. I was present when Mathews was before Sir Samuel Gower, some Time in November last; he differed in the latter Part of his Account; but as to his saying he was hired, he kept to that all the Time of his Examination; he did only hear the latter Part of it; upon observing some Hurt he had in his Hand, he said, he received it by a Rope in the Ship.

Sir Samuel Gower's Clerk, being Sworn said, that on Mathews's second Examination, he said, he knew nothing at all of the murder, nor did he ever hear of it until he was taken; and at his second Examination, he contradicted himself, and said, that what he said before was a Lye. I was desired to go into another Room to take his Confession, which I did, and he sign'd it with his mark; and he confess'd that he was hired, and was to have 700l. for the murder.

The Prisoners having gone through their Defence, the Council for the Crown in their Reply said, That the Evidence produced in support of the Indictment was clear, strong and permanent, and that the Evidence on the Part of the Defence, had not contradicted any one single Circumstance that was advanced on the Part of the Prosecution; That indeed, they had produced two worthy Magistrates before whom Mathews was examined, in order to destroy the Credit that might be given to Mathews's Testimony; but instead of destroying, they absolutely confirm it, for that the Sum of the Evidence of both those Gentlemen were, that though Mathews in his several Examinations in some things greatly prevaricated, yet, when ever he spoke of Mr. Jeffries's Murder, he always insisted that Swan and Miss Jeffries, the two Prisoners at the Bar, hired him to do it, and at the same Time he as strongly insisted that he refused to do it; and therefore his Evidence which might be called a positive one, supported by the many Circumstances that attended it, left no manner of Doubt but that the Prisoners were Guilty.

The Judge having summed up the Evidence to the Jury, they with-drew, and in a little more than an Hour, returned, and brought the Prisoners in Guilty **Death.**

On Thursday, the Day after her Conviction, she made a Confession, That what Mathews had sworn was true, except that Part of his being in the House at the Time the Pistol went off: And that she had had this Murder in her Thoughts for two Years past, but never had a proper Opportunity of getting it executed before, till she engaged and persuaded Swan, and together with Swan, she offered Mathews Money to execute it, who agreed to do it; that upon the Night the Murder was committed, it was agreed between Swan and her that they should both go up to their Chambers, as if they were going to Bed, and as soon as the Maid had locked her Door, and was supposed to be in Bed, Miss Jeffries came out of her own Room, and went to Swan's, and said, *Hallo! are you awake?* he answered Yes; and he was not undress'd; then she went into her Uncle's Room to see if he was asleep, and took a Silver Tankard, a Silver Cup, and some Silver Spoons, from off a Chest of Drawers in the Deceased's Room; then she and Swan went down Stairs, and Swan took out a new Sack from under the Stairs, and she and Swan put the Plate, and some Pewter and Brass which they took off the Shelves in the Kitchen, into the Sack, till she said I can do no more. Swan and she then drank each a large Dram of Brandy; then she went up Stairs into her own Chamber, where it was agreed she should undress herself, and lye till a Signal was given by a Knock at her Door or Wainscot, that her Uncle was murdered, then she was to open her Window, and cry out, *Diaper! Fire and Thieves,* to alarm the Neighbourhood. She farther says, she accidentally fell asleep as soon almost as in Bed; but on a sudden was waked by some Noise in a Fright, when she laid and listen'd, and heard a violent Breathing or Gasping, as if somebody was under a Difficulty in drawing their Breath; then she concluded her Uncle was murdered; and then open'd her Window, and made the agreed Alarm; directly after which she came down Stairs, and Swan let her out of the Street-door in her Shift, when she run to Mrs. Diaper's Door, in the same Court-Yard; Swan then shut the Street-Door, and as soon as he heard the Neighbours were coming, and thought a sufficient Alarm was made, he opened the Street-Door again in his Shirt, and run out as if he was just come out of Bed in a Fright. She further says, that previous to the executing this diabolical Design, they had taken Care to cut the Wire of the Bell on the Out-side, which went from the Master's to the Maid's Room, to prevent his calling the Maid.

Swan says, that he did not do the Murder, but that Mathews, who came in, at the Garden-Gate, which Swan left open for that Purpose, actually did, with one of the Deceased's Pistols, which was hanging up in the Kitchen; and Swan cut a Bullet, which he took out of a Draw in the Kitchen to make it fit the Pistol. And he is implacable against Miss Jeffries for having made any Confession of this melancholy and wicked Affair.

On Saturday, March 14, they received Sentence of Death; and while the Judge was making a moving and pathetic Speech before the Sentence, Miss Jeffries fainted away several Times, and at last recovering herself, prayed for as long a Time as possible to prepare herself for a future State.



The TRIAL of *Henry Simons*, a *Polish Jew*, in the  
*Nisi Prius* Court, at the Affizes at *Chelmsford*, for the County of *Essex*,  
 on *Thursday, March 12, 1752*, before the Hon. Mr. Justice *Foster*, on  
 an Indictment for assaulting *James Ashley*, of *London*, Merchant, and  
 putting into his Pocket three Ducats, with an Intent to charge the said  
*James Ashley* with a Robbery.

**H**ENRY Simons, was indicted  
 for assaulting *James Ashley*, of *London*,  
 Merchant, at *Chelmsford*, in the County  
 of *Essex*, and putting into the Pocket of  
 him the said *James Ashley*, three Pieces of Gold  
 call'd Ducats, with an Intent, wickedly and ma-  
 liciously to charge the said *James Ashley* with a  
 Robbery, *October 8, 1751*, in the 25th Year of  
 the Reign of his present Majesty, against the Peace  
 of our Sovereign Lord the King, his Crown and  
 Dignity.

*James Ashley* being call'd, depoted, That he was  
 present at an Examination of the Defendant *Henry*  
*Simons*, against *Joseph Goddard*, before Justice  
*Chamberlayne*, the 5th of September last, when the  
 said *Simons* charged *Goddard* with robbing him, the  
 said *Simons*, of 554 Ducats, in *Goddard's* House at  
*Cranford-Bridge*, in *Middlesex*; that *Goddard* was  
 tried at the Old Bailey in September Sessions last for  
 the same, and honourably acquitted; that after-  
 wards a Bill of Indictment was found by the Grand  
 Jury of the County of *Middlesex*, against the De-  
 fendant *Simons*, for willful and corrupt Perjury, in  
 swearing his said Information against *Goddard*, be-  
 fore Justice *Chamberlayne*; that he, this Witness,  
 was out of Town at the Time this Indictment was  
 found, but was informed thereof; that on the 6th  
 of *October*, he, this Witness, was coming to *Lon-*  
*don* from a Journey, and between *Ilford* and *Strat-*  
*ford*, he saw the Defendant *Simons* travelling on  
 Foot towards *Ilford*; that he cross'd the Road with  
 his Chaise on Purpose to have a full View of him;  
 that then this Witness went on to *London*, without  
 speaking to the Defendant; that this was on the  
*Sunday*, and on the *Monday*, he, this Witness, went  
 to *Honey-Lane Market*, and recollecting that *Mr.*  
*Ford* was Agent for *Goddard*, who lived just by, he  
 went and inform'd him where he had seen *Simons* the  
*Jew* travelling; that *Mr. Ford* earnestly pressed  
 this Witness to take a Warrant that *Mr. Ford* had  
 in his Hands against *Simons*, for Perjury, and pur-  
 sue him, and *Mr. Ford* would send *Mr. Newman*  
 his Clerk, with him; that with great Reluctance

this Witness consented, and *Mr. Newman* set out  
 with this Witness in a Post-Chaise that Afternoon  
 towards *Harwich*, believing that *Simons* was going  
 out of the Kingdom; that near *Witham* in *Essex*,  
 this Witness was informed by a Boy, to whom he  
 described *Simons*, that he was not far before; that  
 this Witness encouraged the Boy, who was on Horse-  
 back, to pursue *Simons*, which he did, and pre-  
 sently after, they came up with him, and took him,  
 put him in a Cart that was going to *Witham*, from  
 out of which the Defendant jumped, and ran, and  
 endeavoured to make his Escape, but was soon  
 after retaken, and carried to *Witham*, where this  
 Witness delivered him, with the Warrant, into  
 the Hands of *Mr. Hubbard*, the Constable, who  
 kept him all Night; that the next Morning they  
 went with him before Justice *Bragg*, who said, that  
 as the Justices were setting at *Chelmsford*, it would  
 be better to carry him thither, which they did, but  
 the Justices there did not care to commit him, but  
 advised this Witness, and the Constable, who had  
 Charge of him, to carry the Defendant to *London*;  
 that they carried him to the *Saracen's Head* in  
*Chelmsford*, and in the Parlour there, he observed the  
 Defendant, who sat in one Corner of the Room, to  
 pull out a green Purse, and tell some Money; and  
 that this Witness thought there was some Gold in it:  
 After this, the Defendant desired to speak with this  
 Witness, who refused, and soon after went out of  
 the Room to see after a Post Chaise, to carry them  
 to *London*; that when this Witness return'd, *Simons*  
 again desired to speak to him, which he consented  
 to, and stoop'd down to hear what he had to say;  
 that presently after this, the Defendant call'd out,  
*my Gilt! my Gilt! my Gilt! my Ducats in Pocket,*  
 and pointed to this Witness's Pocket, that this Wit-  
 ness could not conceive what the Defendant meant,  
 and putting his Hand in his Left-hand Pocket; pul-  
 led out his Pocket-Book, and asked if that was his?  
 that the Defendant cried out, *ne, ne, not dat Pocket,*  
*toder Pocket*; that then this Witness pulling his  
 Handkerchief out of his Right Hand Pocket, there  
 dropped out a Ducat, which much surprized this

E

Witness

Witness, who said here is some of the Man's Money indeed, but how it came there he could not tell; that feeling in his Pocket again, he found two Ducats more among some Walnuts that were in his Pocket; that he, this Witness, informed Alderman Gascoigne, (who was at that Time in the House) of what had passed, who ordered the Defendant to be searched, but there was no more Money about him than One Shilling and Nine Pence Halfpenny; that he afterwards brought the Defendant to London, who being carried before Justice Fielding, he was by him committed to New Prison.

On his Cross-Examination, he was asked, if, when he met the Defendant, Simons, he did not speak to him, and pull out some Ducats, or other Gold, and shew them to Simons. Mr. Ashley said, he only crossed the Road to look at him, but did not speak to him, or pull out any Money at all, and that he never had seen a Ducat in his Life before those he pulled out of his Pocket at Chelmsford, wh' he dealt for some Thousand Pounds a Year.

He was asked, when he saw the Boy near Witham, if he did not tell the Boy that the Person he was in Pursuit of, was a Highwayman, and that he had a Warrant against him. Mr. Ashley replied, that the Boy asked if he was a Highwayman, and that he did not say he was not; but was sure he never said he had a Warrant to apprehend him as a Highwayman.

He was then asked, what was the Motive that induced him to be so zealous in pursuing and apprehending Simons, as Simons had done him no Injury. Mr. Ashley said, that it had appeared to him, that the Defendant was a very bad Man, and that he believed, that he had charged Mr. Goddard wrongfully, in swearing that Mr. Goddard had robbed him, and therefore he, this Witness, for the Sake of publick Justice, and no other Motive, did endeavour to apprehend the Defendant.

Being shewn a printed Paper by the Defendant's Council, containing an Introduction, signed James Ashley, and the Affidavits of four Persons, whose Names were signed to their Depositions, was asked if the first was his Name, and whither he did cause them to be printed and dispersed, replied that he did cause them to be printed and dispersed, but not with a Design to prejudice Simons in the Minds of the Publick, but to satisfy the World who were in Doubt concerning Goddard's Innocence, after the Jew had been tried for the Perjury in falsely swearing against Goddard, and acquitted through a Mistake or Neglect in the Persons who carried on that Prosecution.

Richard Taylor deposed, That he was at the Saracen's Head in Chelmsford, at the Time that Henry Simons was brought there by Mr. Ashley; that he did see Simons put his Hand into Mr. Ashley's left Hand Coat Pocket, and that he, this Witness,

pulled his Hand out, and asked him, if he designed to pick the Gentleman's Pocket; that after this, Ashley went out of the Room, and when he came in again, Simons begged to speak with Mr. Ashley, to which Mr. Ashley consented, and the Jew speaking very low, Mr. Ashley stopped down to hear him; and while he was so stopping, he, the Jew, put his Hand into the right Hand Coat Pocket of Mr. Ashley, and then went and sat down; that presently after, Simons cried out, *O my God! me robbed! me robbed!* and pointed to Mr. Ashley's Coat Pocket; that then Mr. Ashley pulled out a Pocket Book out of his left Hand Coat Pocket, and asked if that was his, the Jew's, who replied, *ne, ne, Ducats*, and pointed to the right Hand Pocket; that Ashley then pulled out his Handkerchief, and with it came out a Piece of Gold, and Simons cried *mine Ducat, mine Ducat*; that then Ashley pulled out two Ducats more, with some Walnuts, and was in a great Surprise; on this the Jew got up, and, as well as he could express himself, said, *Me rob, one great Rogue, cut me*, and pointed to his Head and Neck; that Alderman Gascoigne being in the House, the Alderman was acquainted with it, who ordered him to be searched, and there was no other Money about him than 1s. 6d. in Silver, and Three Pence Half Penny in Halfpence.

Being asked if he knew to what Purpose the Defendant put his Hand in Mr. Ashley's Pocket? said, he believed to put the Ducats therein.

On his Cross-Examination, by the Defendant's Council, he was asked if he was sure the Defendant had his Hand in Ashley's Pocket, and on what Reason he grounded his Belief, that the Defendant put Ducats into Mr. Ashley's Pocket, replied, that he was sure his Hand was in both Mr. Ashley's Pockets, and that he believed, if he had not snatched his Hand suddenly from the left Hand Pocket, the Jew would have left the Ducats there, and that his Reason for believing the Jew to put the Ducats into the Pocket, were, because as soon as he had pulled his Hand from the Pocket, he began to mutter out his being robbed; and that Mr. Ashley being so surprized at finding the Ducats in his Pocket confirmed him in his Belief.

Daniel Hughes, being sworn, said, that he was Assistant to Mr. Hubbard the Constable of Witham; that he, this Witness, sat up all Night with the Defendant Simons, when in Custody at Witham, and that in the Morning he saw Simons the Jew telling his Money over, and is sure, that he this Witness saw three Pieces of Gold, about the Size of Half Guineas in Simons's Hand; that he, this Witness was present at Chelmsford, when Ashley pulled the Ducats out of his Pocket, after the Jew had charged him, Mr. Ashley, with having Ducats in his Coat Pocket, and that he verily believes they were the same, he, this Witness, saw the Jew, have in his Hand



Hand in the Morning; that this Witness, saw Simons searched and then, there was found on him but one Shilling and Nine Pence-half-penny.

On his cross Examination, he was asked if he was sure the Ducats Mr. Ashley pulled out of his Pocket were the same Pieces of Gold he saw in the Defendant's Hands in the Morning, said he could not be sure, but believed they were the very same.

*Eleanor Brown* deposed, That she was Servant at the Saracen's Head in Chelmsford, when Simons the Jew was brought there, and being in the Room where they were, she saw the Jew feeling about Mr. Ashley's Pockets, and particularly saw his Hand in his right Hand Coat Pocket, and immediately after heard the Jew say, as well as he could express it, *mine Gilt, mine Gilt, rob'd of mine Gilt*, and pointed to Mr. Ashley's Pocket; that when the Pocket Book was taken out of Mr. Ashley's left Hand Coat Pocket, Simon's said, pointing to the right Pocket, *dare be de Gilt*; that then Mr. Ashley pulled out his Handkerchief, and a Ducat came out with it, and searching further, found two more Ducats in that Pocket among some Walnuts, when Mr. Ashley said, the Villain has put them into my Pocket, and that then this Witness informed Mr. Ashley he saw the Jew's Hand in his Pocket, and that she believed he put the Ducats in.

On her cross Examination she was asked how many People were in the Room at that Time, and in what Manner Mr. Ashley stood when the Defendant put his Hand in his, Ashley's, Pocket, she replied, there were 8 or 9 Persons in the Room at that Time, and that Mr. Ashley was leaning on his Elbow, and talking to a Gentleman, and that the Jew stood on his, Mr. Ashley's, right Side.

*John Newman* Clerk to Mr. Ford, deposed, that on Monday the 7th of October Mr. Ashley came to Mr. Ford, and informed him where he had met Simons the Jew; that Mr. Ford desired him, this Witness, to go with Mr. Ashley in pursuit of Simons, and that Mr. Ford delivered to Mr. Ashley the Warrant under the Hand of Alderman Gascoigne to apprehend him, a Bill of Indictment having been found against Simons for Perjury; that Mr. Ashley got a Post Chaise, and they set out immediately; that near Witham they met a Boy, to whom Mr. Ashley described Simons, and the Boy said he had seen such a Man, and asked, if he was a Highwayman, to which Mr. Ashley replied, that he was, and desired the Boy to assist in apprehending him; that the Boy then rid on, and when he came in sight of him call'd out *stop Highwayman*; that then Simons took to his Heels and ran, which this Witness perceiving, jumped out of the Chaise, and ran after him, and that he, this Witness, and the Boy took him and put him in a Cart, from whence he jumped out, pulled off his Vest or upper Garment, and endeavoured to escape; that he was soon retaken by them and conveyed to Witham, and de-

livered with the Warrant to Mr. Hubbard the Constable of Witham, [*Here Mr. Newman confirmed all that Mr. Ashley had sworn, from this Time to their getting the Jew to Chelmsford*] and then said, that at Chelmsford he was present when the Defendant Simons charged Mr. Ashley with having his Gilt, as he, Simons called it; (tho' he afterwards denied it to Alderman Gascoigne) that he, this Witness, with Mr. Ashley's Consent, searched his left Hand Pocket, and then Simons pointed to the Right Hand Pocket, and said, it was there, as well as he could express it; that Mr. Ashley, pulled out a Ducat with his Handkerchief and was much surprized thereat, and searching farther, found two more Ducats among some Walnuts in his Pocket; that then the Defendant greatly exulted, and cried out *dare be my Ducats, me robbed of mine Ducats*, and seemed greatly rejoiced at seeing them, that he the Defendant was afterward searched by Alderman Gascoigne's Order, and there was no more than one Shilling and nine Pence half-penny about him.

On his cross Examination he was asked whether the Warrant that was delivered by Mr. Ford to Mr. Ashley, was for London only, or for London and Essex: He said the Warrant was made for London only at first, but that recollecting that Alderman Gascoigne was a Verdurer, Mr. Ford imagined that the Alderman was in the Commission of the Peace for Essex, and therefore added the Words, *Essex and*.

He was again asked if when they were in pursuit after the Defendant, Mr. Ashley did not call out Highwayman, stop Highwayman, and whether he, this Witness, did not knock the Defendant down; when they took him; replied that Highwayman was called out after the Defendant, but whether by Mr. Ashley or the Boy, he could not be positive; that he was sure he, this Witness, did not knock the Defendant down, for that the Manner of taking him was, he this Witness, ran in the Horseway, till he came beyond the Defendant, and then turning about met him just as the Boy came up to the Back of him.

*Isaac Hubbard*, Constable of Witham, deposed, That on the 7th or 8th of October last Henry Simons was brought to him, this Witness, and delivered into his Custody, together with a Warrant under the Hand and Seal of Alderman Gascoigne to apprehend the Defendant for Perjury; that it being late he detained him that Night in his, this Witness's House, in the Care of Daniel Hughes; that the next Morning he carried him before Justice, Bragg, who told this Witness that the Justices were sitting at Chelmsford and advised him to take him thither; that when they came to Chelmsford, they went to the Saracen's Head Inn, and whilst they Mr. Ashley, the Defendant and several other Persons were

were in a Room together, he heard the Defendant in broken English, charged Mr. Ashley with having his Gilt, and robbing him; that the Defendant pointed to Mr. Ashley's Pocket and said, *You mine Gilt*; that Mr. Ashley asked what he meant, and said he had nothing of his, the Defendant's, and desired Mr. Newman to search his Pocket, and on his taking a Book out of Mr. Ashley's left-hand Pocket, the Jew rose up in haste, and caught hold of his right-hand Pocket, and said, *Here be mine Gilt*; that Mr. Ashley pulled his Handkerchief out of his right Hand Pocket, and with it a Piece of Gold, called a Ducat; and searching farther, found two more among some Walnuts in that Pocket; that then the Jew seemed much rejoiced, and cried out, *Mine Ducats, me robb'd, mine Ducats*; and by his Words and Actions seemed to charge Mr. Ashley with robbing him; that after this the Jew was searched before Alderman Gascoigne, and there were found no more Money about him than one Shilling and Sixpence in Silver, and Threepence-halfpenny in Halfpence.

On his Cross-Examination he was asked if the Warrant he received with the Defendant, under the Hand and Seal of Mr. Alderman Gascoigne, was at that Time backed by any Justice of the Peace of the County of Essex, answered, that at the Time of taking the Defendant into Custody, it was not, Mr. Ashley thinking Alderman Gascoigne was a Justice for Essex, but on finding to the contrary, Mr. Ashley went the next Morning, and got it backed by the Rev. Mr. Tindal, who is Justice of Peace for Essex.

This Witness was then shewn a printed Paper with Affidavits thereon, and asked if he did not make and subscribe the Affidavit bearing his Name? and, if he did, how he came there to swear, that he received a Warrant under the Hand and Seal of Crispe Gascoigne, Esq; one of his Majesty's Justices of the Peace for the City of London, and endorsed by the Rev. John Tindal, Clerk, one of the Justices of the Peace for the County of Essex, and now that the Warrant was only under the Hand and Seal of Mr. Gascoigne, replied, that what he swore there was true, for though it was not backed by Mr. Tindal at first, it was afterwards.

He was then asked what it was that induced him to make the before-mentioned Affidavit, and whether he should have done it if he had not been solicited by some Persons thereto; replied, that he had no other Motive but for the Sake of publick Justice, and because what he had sworn was true; that indeed he believed he should not have sworn it if Mr. Ashley had not requested him so to do.

Daniel Gains deposed, that the Day the Jew was brought to the Saracen's Head in Chelmsford, he, this Witness, was at the same Inn in the Kitchen, and hearing there that Mr. Ashley was charged by the Jew with robbing him, he, this Witness, went into

the Room where Mr. Ashley and the Jew were, and there saw Mr. Ashley pull out a Ducat with his Handkerchief, and afterwards Mr. Ashley pulled out two more with some Walnuts; that then the Jew cried out, *Mine Gilt, me robb'd, mine Gilt, me robb'd, Rogue*, and pointed to Mr. Ashley; that he saw the Defendant searched, and no more than one Shilling and 9d. halfpenny was found about him.

Here the Council for the Prosecution rested it, though they said, they had more Witnesses to call.

The Council for the Defendant opened his Defence with saying, That the Defendant Henry Simons was a Foreigner, a Polander by Birth, of the Sect or Religion of the Jews; that he was a Trader, as most of the Jews are concerned in Trade, and very beneficial is their Knowledge in Trade to those Kingdoms wherein they reside: That the Defendant had brought over with him into this Kingdom, a large Sum of Money, to lay out in such Commodities as we could very well spare; that instead of meeting with that Encouragement, so worthy a Merchant deserved, who came to lay out his ready Money with us, in his Journey towards Bristol, (whither he was going as well to Trade, as to perform some religious Exercises) at Cranford-Bridge, in the County of Middlesex, he was robbed, stript of his all, no less than 554 Ducats; that he commenced a Prosecution against a Person for committing the Robbery, and because he did not convict the Person, this unfortunate Man had an Indictment preferred against him for Perjury; that being ruined, he had no more Business here in this Kingdom, and therefore he, with the Help of some charitable Persons, was travelling towards Harwich, but in his Way thither, he was attacked, a Cry of a Highwayman raised against him, and he was apprehended, nay treated worse than a Highwayman; that after they had kept him all Night, without any Authority for so doing; they brought him to Chelmsford, among a great Number of People, who treated him very ill; after which he is charged with putting Ducats in Mr. Ashley's Pocket, with a Design, as they say, to swear a Robbery against Mr. Ashley; that so very far was the Defendant from doing this, that when they have called their Witnesses, they should shew, that instead of putting Ducats into Mr. Ashley's Pockets, he had not the Value of half a Ducat about him, when he went out of London.

Hyam Levi, being sworn, deposed, That on the 8th Day of August last, he and Henry Simons, the Defendant, landed at Harwich from Holland; that when they came on Shore, they were searched by the Custom-House Searcher as usual; that Simons had a large Belt on, that would hold above 1000 Ducats, and that it appeared to be above half full; that it is the Custom of the Polish Jews to carry their



their Money about with them in a Belt, which is hollow, and opens near the Buckle, where they put their Money in and out of the Belt. That he this Witness advised Simons to leave his Money with a Gentleman at Harwich, who would send it to him to London; but that Simons replied, he would not leave them any where, with any Person, no, not his own Father. That at Harwich, he, this Witness, pulled out a gold Watch, to see what it was o'Clock, which the Defendant observing, said he should want two Gold Repeating Watches, and desired him, this Witness, to help him to a good Workman, that would use him well, for that he would have the best, if he gave 40*l.* or 50*l.* a-piece for them. That he, this Witness, came on for London, and left the Defendant behind, who would not travel on the Sabbath. That the Tuesday following he, this Witness, saw the Defendant in London, and that he went to lodge with Barrant Abraham's.

Being asked, if he counted the Number of Ducats, the Defendant carried about him, said he did not, but thinks there were above Half a Thousand, for the Belt was above Half full.

*Israel Levi*, a Polish Jew, who could not speak English, and therefore, *David Hart* was sworn his Interpreter. *Israel Levi* deposed, that he came over with Henry Simons, who is a Polish Merchant; that he saw the Defendant's Belt, and it was above half full of Ducats; they came on to London together, and in their Way, they kept Sabbath together at Colchester. That after Simons was robbed, he saw him in London, in great Necessity, and then this Witness lent Simons Money. That Simons told this Witness he had been obliged to pawn his Veil, which is a Thing the religious among the Jews never do, but at the last Extremity, and that they will part with every Thing else that they have, before their Veil. That the Defendant always had the Character of an honest Man, and a just Merchant.

*William Payce*, Searcher of the Customs at Harwich, deposed, that he searched Henry Simons, the Defendant, when he landed at Harwich, the 8th of August last, that he then saw the Defendant had a large Quantity of Ducats about him in his Belt.

On his Cross Examination, he was asked, if the Defendant pulled out all that was in the Belt, and if he was sure that the Belt contained nothing but Ducats; he replied, that the Defendant took into his Hand, he believed, 40 or 50 Ducats, and that, knowing it was the Way of those People, to carry their Money in Belts, and that by these Ducats produced, he, this Witness, concluded the whole Quantity to be Ducats.

*Sarah Abrahams*, deposed, That about the 12th of August last, Henry Simons the Defendant came to lodge at her House, that he said he came from Poland, and that he shewed her his Belt, wherein was a large Quantity of Ducats; that the Defendant told her, that he brought that Money into England to lay out in Watches, and other Goods; that the Defendant lodged with her, till he went for Bristol; that, she, this Witness, did count the Defendant's Ducats when he put them up in his Belt, to go for Bristol, and she, this Witness, was sure there were 554 at that Time.

*Barrant Abrahams*, Husband to the last Witness, deposed, That Henry Simons, the Defendant, lodged at his House, all the Time the Defendant stayed in London, till he set out for Bristol; that he, this Witness, saw his Wife count the Defendant's Ducats, and that there were 554, which he, this Witness, saw the Defendant put up in his Belt. That then he, this Witness, went with the Defendant as far as Piccadilly, to shew him the Way out of Town, the Defendant purposing to go to Bristol.

Being asked if he knew when this was, that he

shewed the Defendant the Way out of Town, replied that it was that Time that the Defendant set out for Bristol, and was robbed at Cranford-Bridge.

*Thomas Woodman*, Keeper of the Poultry-Compter, deposed, That the 29th of August last, Henry Simons, the Defendant, came to him, and by his Man, Henry Keys, who interpreted for the Defendant, told him, this Witness, that he had been robbed at Cranford-Bridge, and by whom, that at this Time the Defendant appeared to have been wounded, and was very bloody; that he, this Witness, and Keys, went with the Defendant before Justice Chamberlayne, and obtained a Warrant to apprehend the Person the Jew had sworn to have robbed him; and that he, this Witness, with his Man Keys, went in a Post-Chaise to apprehend the Person against whom the Warrant was granted; and that when they came to Cranford-Bridge, they found the Person was fled.

*Henry Keys*, Servant to the last Witness, deposed, That on the 29th of August last, the Defendant, Henry Simons, came to him, this Witness, and told him, he had been robbed; described the Manner how it was done, and named one of the Persons that the Defendant said, he was sure did rob him. That he, this Witness, and Mr. Woodman, went with the Defendant before the Justice, and after a long Examination, wherein he, this Witness, was Interpreter, a Warrant was granted against the Person sworn to have robbed the Defendant; that he, this Witness went with his Master, Mr. Woodman, to Cranford-Bridge, to execute the Warrant; that when they came there, they found the Person was gone, and he, this Witness, and Mr. Woodman, being known, and what they came about, one of the Women in the House said, she remembered the Jew's being there, and that he shewed his Belt, and pulled out some of his Gold. He farther deposed, that in October last, Mr. Ashley came to him at the Poultry Compter, and told him, he had got Simons, the Defendant, and desired him, this Witness, to go with them before Justice Fielding, which he did, and there Mr. Ashley said nothing of any Ducats being put into his Pocket.

*Simon Davids*, deposed, That he knew the Defendant Henry Simons, that after he was robbed, he came to him, and seemed to be extremely poor, and that he relieved him.

*Naphtali Franks* deposed, That Henry Simons, the Defendant, came to him, after his being robbed, and complained very much of his Loss and great Poverty, in particular that he had been forced to pawn his Veil to subsist him, which is held so sacred, that it is never parted with, but at the last Extremity; that he, this Witness, relieved him, and that many others did the same, or he must have starved. That the Defendant knew so little English, and spoke it so badly, that he, this Witness, who is used to converse with foreign Jews, could not understand what he said without calling this Witness's Servant to interpret between them.

*Lazarus Simons*, Overseer of the Poor of the Synagogue, deposed, That he knew the Defendant Henry Simons, that he came to him in September last, and complained to him of extreme Poverty, and desired him, this Witness, to get him some Relief, that he did so, and after that he, the Defendant, came again, and begged for some Charity, to carry him Abroad. That the Defendant had had a Fever before he set out for Harwich, and in his Sickness, he was often crying *my Ducats, my Ducats, Goddard, Goddard*. He farther deposed, That Henry Simons appeared publicly, and constantly at the Synagogue; and that he believed him to be an honest conscientious Man, and that he, this Witness, did not believe Simons could have a Ducat when he left London.

*Meyer*

*Meyer Polack*, Clerk of the Synagogue, deposed, That *Henry Simons* the Defendant, complained to him, this Witness, of his great Poverty, that he, this Witness, got some Charity for him, and particularly the Warden of the Synagogue, who ordered him, this Witness, to give him Half a Guinea out of the Poor's Box, but not till the Defendant was going away; that another Gentleman gave him, this Witness, three Shillings for the Defendant. That on Friday the 4th of October, two Days before the Defendant set out from London, he this Witness, met the Defendant in the Street, who earnestly begged for some Relief; and that then, he this Witness, gave the Defendant Sixpence. That he, this Witness, believes the Defendant to be an honest, religious Man, who constantly came to the Synagogue, and appear'd publickly; and that he, this Witness, dare swear, that the Defendant had not a Ducat about him when he left London.

On his Cross Examination, he was asked, if he thought the Defendant had not above two Guineas at the Time that he had finished his Collection, replied, that he was sure, he could not have above two Guineas, if he had so much.

*Joseph Isaacs* deposed, That on Sunday the 6th of October last, he and *Henry Simons* were going towards Ilford; that a little beyond Stratford, they met a Gentleman in a Chaise, whom he, this Witness, now knows to be Mr. James Ashley; that Mr. Ashley crossed the Road with his Chaise, and coming up to them, asked Simons if he was the Man that swore a Robbery against the Man at Cranford-Bridge; that he, this Witness, advised the Defendant to make no Answer, but that the Defendant said to Mr. Ashley *na fas stend*, meaning that he did not understand him; that then Mr. Ashley put his Hand into his right Hand Coat Pocket, and pulled out a Handful of Ducats, and said, *these, these Ducats*, and putting them in his Pocket again, took his Hand in a menacing Manner, and drove on towards London; that he, this Witness, went to Barking, and the Defendant went on towards Harwich. That on the 8th of October, he, this Witness, met the *Polak*, meaning Simons, the Defendant, in Custody of a Constable, near Witham, and that he, this Witness, was told that the *Polak* was a Highwayman, that he was refused to speak with the *Polak*, and that when he, this Witness, came to Witham, he went to the Constable's House, an Inn, and that the Constable's Wife told him, that they, meaning the People of the House, had had a Highwayman in their Custody all Night.

Mr. *Newman* and Mr. *Hubbard* were again called, and confronted with this Witness, when they both said, they knew nothing of the Witness Isaacs being there, that there were several Jews upon the Road; that he was not said to be a Highwayman, nor was he treated as such, nor did they remember, any Person asked to speak to the Defendant. Hubbard added that he did not believe he had ever seen Isaacs before.

*Isaacs* on his Cross-Examination, was asked, if he was sure that Mr. Ashley pulled out any Money, and whether he was near enough to discern what Coin it was, replied, that he was sure Mr. Ashley pulled out Ducats, for he, this Witness, was close to the Side of the Chaise.

He was then asked where he lived, and what Business he followed; he replied, that he lived, in Rosemary-Lane, and that his Business was to make Women's Pockets, and carry about to sell.

Here he was confronted with Mr. Ashley, concerning Mr. Ashley's pulling out the Ducats in Ilford-Road; when Mr. Ashley said, that he saw Nobody with Simons, when he, Mr. Ashley, met Simons, nor did he see Ashley, see any Person near Simons than too

Yards, one Way or other, and that he, Mr. Ashley, did never see a Ducat in all his Life, before those he pulled out of his Pocket at Chelmsford.

*Hyam Levi* was again called, who farther deposed, that one Day, soon after Mr. Goddard's Trial, Mr. Ashley and another Man with him, came to this Witness's Brother-in-Law's, in Duke's-Place, and asked this Witness if Mr. Levi was at Home; that he, this Witness, fearing to be arrested for some Hair that he had bought, answered them, that Mr. Levi was not at Home; that then Mr. Ashley left Word that he wanted to speak with Mr. Levi, and desired to see him at the Punch-House on Ludgate-Hill; that he, this Witness, having cleaned himself, was going to Ludgate-Hill, and in St. Paul's Church-Yard, he, this Witness, met Mr. Franks, and informed him where he was going; that Mr. Franks advised him, this Witness, not to go unless he had an unquestionable, honest and reputable Man along with him, lest any Thing should be said to him, or of him, that might not be right. That he, this Witness, upon this, resolved not to go, and in a Day or two after, Mr. Ashley came again to him, this Witness, and asked him, this Witness, if he came from Holland with Henry Simons, and whether Simons brought any Ducats over with him; that he this Witness answered, he did come over with him, and that Simons had a large Quantity of Ducats; that then Mr. Ashley said, Simons was a perjured Villain in two Instances, first in swearing that Goddard robbed him, and next, in swearing the Ducats were worth 9s. 6d. apiece, and then pulled out a Pair of Scales and weighed a Ducat that had a Hole in it, and then said, you see this weighs no more than eight Shillings; I am a Silversmith, and deal in Ducats, and they generally are about this Weight.

Mr. Franks confirmed that Part of this Witness's Evidence relating to meeting him in St. Paul's Church-Yard.

Here Mr. Ashley was confronted with Hyam Levi, when Mr. Ashley said, that he never saw Levi before then, in his Life that at the Time of Mr. Goddard's Trial, and to the End of September, (in which Time Levi had sworn to the Transaction) he, Mr. Ashley, was out of London, upon a Journey, and that he had not been in Duke's Place for many Years past.

*Moses Jacobs* deposed, That Henry Simons being in great Distress, pawned his Veil with him for Thirty Shillings; that the Defendant came and redeemed it, paying the Thirty Shillings at two different Times; that he paid the last on the Morning before he went out of London; that then the Defendant said he had no more than Half a Crown in the World; that he, this Witness, then gave him Half a Crown, and said he verily believed the Defendant had no more than Five Shillings when he went from London.

Mr. *Alderman Gascoigne* deposed, That he was up Stairs, at the Saracen's Head in Chelmsford, at the Time when Mr. Ashley and the Defendant were there; and being sent for down to them, Mr. Ashley said to him, that damned Villain the Jew, had put some Ducats in his Pocket, and had charged him with robbing him; that then he, Mr. Alderman Gascoigne, spoke to the Jew in Dutch, and asked him, if he put the Ducats into Mr. Ashley's Pocket, and whether the Ducats were his, Simons's; when Simons replied in Dutch *They are none of my Ducats*, and then further said, *Goddard, Goddard's Ducats*; that he then denied putting any Ducats into Mr. Ashley's Pocket, or charging Mr. Ashley with robbing him of them.

The Judge summed up the Evidence on both Sides, and the Jury was enclosed about nine at Night, and did not agree till Two the next Morning, and then brought the Defendant in Guilty; and he will receive Judgment in the Court of King's Bench next Term.



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